

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON EDUCATION**

**Call to Order:** By **CHAIRMAN JOAN ANDERSEN**, on January 17, 2003 at 3:00 P.M., in Room 137 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Joan Andersen, Chairman (R)  
Rep. Kathleen Galvin-Halcro, Vice Chairman (D)  
Rep. Larry Lehman, Vice Chairman (R)  
Rep. Norman Ballantyne (D)  
Rep. Norma Bixby (D)  
Rep. Gary Branae (D)  
Rep. Nancy Fritz (D)  
Rep. Carol Gibson (D)  
Rep. Clarice Schrupf (R)  
Rep. Pat Wagman (R)

**Members Excused:** Rep. Bob Lawson (R)

**Members Absent:** Rep. Verdell Jackson (R)  
Rep. Bob Lake (R)  
Rep. Joe McKenney (R)

**Staff Present:** Eddy McClure, Legislative Branch  
Mari Prewett, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed. The time stamp in these minutes appear at the end of the content it refers to.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 103, 1/3/2003; HB 135, 1/7/2003; HJ 5, 1/10/2003; and HJ 6, 1/10/2003

Executive Action: HB 28

**REP. VERDELL JACKSON, REP. BOB LAKE and REP. JOE MCKENNEY** arrived at the hearing immediately following roll call.

**HEARING ON HJ 5**

**Sponsor:** **REP. DAVE LEWIS, HD 55, HELENA**

**Opening Statement by Sponsor:**

**REP. DAVE LEWIS**, stated that this bill a resolution between the House and the Senate asking the City of Helena to work with the Board of Regents to secure financing for a new building at the Helena College of Technology by issuing bonds to finance the construction of the project and to enter into an agreement to lease the facility upon completion to the Board of Regents. **REP. LEWIS** then referred to line 27 of HJ 5 wherein it refers to the City of Helena. He stated that the City of Helena needed to be amended to read, Lewis and Clark County. **REP. LEWIS** then stated that the Board of Regents had the authority to enter into this type of agreement but they would be more comfortable if the Legislature would pass this legislation. **REP. LEWIS** stated that if this can be put together and they are able to work with local money to help with debt service, he would try in HB 2, to come up with some money to also help with debt service so that this project could be pursued. He further stated that there had been an appropriation last time to fund the planning of this new building at the Helena College of Technology. This is an opportunity to be creative and help get a building built that would be a great advantage to the students attending the college.

**Proponents' Testimony:**

**Margaret Morgan, Helena Area Chamber of Commerce**, stated that the Chamber whole heartedly supported HJ 5. She further stated that the College of Technology badly needed the building and that it would be good for Helena and the State of Montana. **Ms. Morgan** presented a letter to the committee from Cathy Burwell, President and CEO of the Helena Chamber of Commerce in support of this Joint Resolution attached as Exhibit 1.

**EXHIBIT (edh10a01)**

**Ron Alles, Chief Administrative Officer, Lewis and Clark County**, stated that Lewis and Clark County was in favor of this resolution. He further stated that they have done this before and they are good at it and that it works. **Mr. Alles** urged support of this Joint Resolution.

**Tim Burton, City Manager, City of Helena,** stated that the Helena College of Technology is an asset to Helena. **Mr. Burton** talked about other buildings that had been funded in this manner and how it had worked. **Mr. Burton** urged support of this resolution.

**Steve Hoyle, University of Montana, Helena College of Technology,** spoke in favor of this resolution. **Mr. Hoyle** stated that President Dennison of the Helena College of Technology asked him to inform the committee that he as well as the University of Montana are in support of this resolution. He further stated that the Helena College of Technology intends to be a full partner with business in the State of Montana to provide solutions for economic development. He went on to state that they believe that this is a solution, not an expense, and that this project would create jobs and increase income.

**REP. HAL JACOBSON, HD 54, HELENA,** stated that he strongly supports this resolution and the concept that it embraces. He stated that this structure would benefit Helena and the entire State of Montana.

*{Tape: 1; Side: A; Approx. Time Counter: 0 - 11.8}*

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

**REP. GALVIN-HALCRO** asked **REP. LEWIS** if the county or the university would own the building. **REP. LEWIS** stated, "When the debt service had been paid the university would own the building."

Closing by Sponsor:

**REP. LEWIS** stated that this Joint Resolution is simply a letter to the Board of Regents, stating that the state is willing to let the regents, counties and schools work together to see if this project could be put together. He further stated that the regents would like to have this resolution for comfort. **REP. LEWIS** again stated that the amendment needed to change "City of Helena" to "Lewis and Clark County."

*{Tape: 1; Side: A; Approx. Time Counter: 11.8 - 13.8}*

**HEARING ON HB 103****Sponsor:** REP. HAL JACOBSON, HD 54, HELENA**Opening Statement by Sponsor:**

**REP. HAL JACOBSON** stated that this bill revises the schedule for state and county reimbursements to school districts for school transportation, eliminating weighted ridership as the basis for determining the reimbursement rate. **REP. JACOBSON** stated that the bill would simplify one area of school funding. He went on to state that public school transportation has not changed or had an increase from the State of Montana since 1991. **REP. JACOBSON** stated that until now the system used has been to count the number of students that ride on a bus to determine the reimbursement. The problem with this system is that the count is only taken once a year which can create a drastic misconception in the actual pupil count. **REP. JACOBSON** stated this bill will change the funding formula from a per-student count to the actual bus size count. He went on to say that the bus size would be measured by the number of seats that the different buses have. **REP. JACOBSON** stated that this bill would also be changing the State of Montana's portion of payment. He stated that what will happen is that the State of Montana would pick up a larger share of this particular item, but in turn the local school districts will be able to drop their property taxes that effect these payments.

**Proponents' Testimony:**

**Kathy Fabiano, Assistant Superintendent, Office of Public Instruction, (OPI)** stated that HB 103 was introduced at the request of the OPI. **Ms. Fabiano** distributed a graph, (Exhibit 2), showing transportation funding from 1993 to 2002. She further stated the bill is intended to increase the state and county payments to schools for pupil transportation to and from school, and also, to simplify the method used to determine the amount of those payments. **Ms. Fabiano** stated that the transportation fund has three primary sources of financing. One is the state general fund payment; the second is a county payment which is intended to match the state's payment; and thirdly by a district property tax levy. **Ms. Fabiano** further talked about the actual cost of transporting students to and from school and where the funds came from and the last time there had been an increase. **Ms. Fabiano** also discussed the increase in costs for transporting student to and from school. She further stated that HB 103 does include an appropriation which would increase the State's share in the

expense of this transportation and that this changes the way in which transportation costs are determined.

**EXHIBIT (edh10a02)**

**Bob Vogel, Montana School Boards Association**, stated that this bill was presented last session. He further stated that this bill does have a modest increase in state transportation reimbursement costs. **Mr. Vogel** said that there are increased expenses to school districts for operating the school buses without any adjustment in state reimbursement. He stated the real benefit to this bill is the simplification of the complex reimbursement formula. He further spoke about the way the count is taken and when the count is taken and the room for error. He went on to stated that his bill changes from a student count to the size of the bus used and miles traveled.

*{Tape: 1; Side: A; Approx. Time Counter: 13.8 - 28.6}*

**Matt Schultz, MS Transportation, Hamilton, Montana**, said he is in favor of this bill. He further stated that he did not think that districts were going to run out and buy eighty passenger buses so that they can get \$1.80 per mile. He went on to say that in his districts he has the ability to change route sizes at the beginning of every school year. He stated that if he has 84 passenger buses and 71 passenger buses, they can be moved around to best fit the needs of the routes. **Mr. Schultz** stated that most bus companies are buying the bigger buses to compensate for loads that are being hauled and extensions on loads for more kids that they might get in certain areas. He further stated that he feels that everyone is utilizing the buses that they need.

**Mel Rauch, Transportation Director for the Butte School District**, stated that he supports the bill the way that it is written. He stated that the paper work for the bus program is labor intensive and they often have to work overtime to get it done. **Mr. Rauch** stated another problem is that the count is only done once a year for one week and is not always a reliable count. He went on to say that there have been no increases in the last eleven years, however, operating costs have gone up. **Mr. Rauch** stated he strongly urged support for HB 103.

**Gary Craft, District Clerk, Jefferson High School and Boulder Elementary School**, stated that they are in favor of HB 103. **Mr. Craft** stated that 60 percent of the high school students are bused to the high school from the Montana City, Clancy area. He further stated that because of sports any number of these students to not always ride the buses so the bus counts go down creating a problem with an accurate student count. **Mr. Craft**

further stated that if they could use larger buses they would have more flexibility in arranging their bus routes. He further talked about the method used in taking the bus count.

**Erik Burke, MEA/MFT**, stated that they are in support of HB 103. He went on to state that there has not been an increase in a number of years, and that the school districts need this change. School districts need to be able to get the students to school. **Mr. Burke** replied it would be nice for the state government to stand up and do its share after ten years without an increase.

**Bob Gilbert, Montana School Bus Contractors Association**, stated that they are in favor of this bill. He stated that the bill brings them to a point where the school bus contractors can start doing some planning. He stated the best way to describe this bill is simplification and flexibility. **Mr. Gilbert** stated the state may have to pay a little more but it would save the local residents a little money and it is the local residents that pay it all anyway. He further stated it is a shift, but it is a shift that would bring good to the state rather than bad.

*{Tape: 1; Side: B; Approx. Time Counter: 0 - 8.4}*

Opponents' Testimony: None

Informational Testimony:

Questions from Committee Members and Responses:

**REP. LAKE** asked **REP. JACOBSON**, if a fiscal note was requested for this bill. **REP. JACOBSON** answered there was no fiscal note provided. He stated that the only reference to money is included in the body of the bill.

**CHAIRMAN ANDERSEN** stated, they would check and if a fiscal note was needed they would get it before executive action was taken.

**REP. WAGMAN** asked **Mr. Vogel**, "What happened to HB 163?" **Mr. Vogel** replied that HB 163 passed the Education Committee, but died for lack of an appropriation in the Appropriations Committee.

**REP. LEHMAN** asked **Ms. Fabiano of OPI** if they foresaw a school which does not have an activities bus going out and buying one. **Ms. Fabiano** stated that an activity bus would not be reimbursed for the only reimbursements would be for transporting students to and from school.

**REP. LEHMAN** further asked **Ms. Fabiano of OPI** if a school did not have such a bus, would they be able to purchase a bus, run it on the school routes, and then use it for an activities bus. **Ms. Fabian** replied that was correct.

**Closing by Sponsor:**

**REP. JACOBSON** responded to **REP. WAGMAN** regarding where the bill was in the last session. He stated that this bill never did go before the Education Committee, but went directly before Appropriations last time. **REP. JACKSON** stated that this bill basically simplifies a complex system. He further stated that, in actuality, the bill is a tax reform bill and he urged the Committees' support.

***{Tape: 1; Side: B; Approx. Time Counter: 12.7 - 14.6}***

**HEARING ON HB 135**

**Sponsor:** **REP. JOAN ANDERSEN, HD 23, FROMBERG**

**Opening Statement by Sponsor:**

**REP. JOAN ANDERSEN**, stated that HB 135 is a bill that deals with tuition payments. **REP. ANDERSEN** stated that this problem was brought to her attention by the clerk of her local school district. She stated that the problem is that there are students who have an IEP which determines that the student would best be served in a treatment facility. **REP. ANDERSEN** stated that when she looked into the problem, she found that many of the treatment centers are private institutions. She stated that, therefore, the schools cannot use their tuition funds to pay the tuition for the students. They have to use their general fund dollars to pay for the tuition. **REP. ANDERSEN** stated that in the process of creating this bill, it was determined that the Office of Public Instruction could reimburse the sending school the ANB money for a student who fits this category. **REP. ANDERSEN** further stated that this left a difference between the ANB payment and what is actually paid in tuition, which the school districts then have to take from their general fund dollars. She went on to say that the bill allows the sending school districts to be able to use their tuition funds to make the additional payment, the difference between the ANB payment and the tuition payment. **REP. ANDERSEN** stated that the tuition fund is a permissive levy which is paid by the taxpayers who reside within the school districts from which these students come. **REP. ANDERSEN** stated that she feels it is unfair to the students within the districts to use the general fund money to provide for the tuition when there is

tuition fund money available to pay these services which are determined by an IEP. **REP. ANDERSEN** stated that she did not believe that this method would be used to get a troublesome student out of a school district. She stated, "This system would be used only for those students it was determined would best be served by being in a private treatment center." **REP. ANDERSEN** handed out two letters in support of this bill. One letter was from the Fromberg Public Schools and the other was from the Bridger Public Schools attached as Exhibits 3 and 4 respectively.

**EXHIBIT (edh10a03)**

**EXHIBIT (edh10a04)**

**Proponents' Testimony:**

**Bob Runkel, Director of Special Education, Office of Public Instruction (OPI)**, stated that OPI supports this bill. He stated that the reason they support this bill is that the children that are served in the Special Education Programs with emotional disturbance are particularly challenging children. They are sometimes served in very restrictive environments, and today those children are being sent home. **Mr. Runkel** went on to talk about the Montana Children's Initiative. He stated that it is a provider of services for children with emotional disturbance. **Mr. Runkel** also talked about the drop in the number of children being treated in out-of-state residential facilities funded by Medicaid and Mental Health Services Plan. **Mr. Runkel** stated that these children often times are put back into the public school system. He stated that these children are particularly challenging to educate in the public schools. He further stated that the treatment programs provide a structure that is generally a self-contained environment. They provide the kind of supervision and staff level support which enable schools and the private programs to serve the children properly. **Mr. Runkel** stated that this bill would allow the tuition fund to be used to cover some of the costs of providing private services. **Mr. Runkel** explained how children are placed into these programs. He further explained that though this bill is narrow in application, he strongly supports this bill.

**Erik Burke, MEA/MFT**, stated that they support HB 135. He stated he believes that this bill addresses a narrow but specific problem that has an impact on the general funds. **Mr. Burke** stated that Special Education needs support for this bill as it is a bill that helps.

**Bob Vogel, Montana School Boards Association**, stated that they rise in support of HB 135. He further stated that these are difficult students to deal with in school districts. **Mr. Vogel**



stated it is a challenge from many different perspectives, but to have the funds come out of the tuition funds would make sense.

*{Tape: 1; Side: B; Approx. Time Counter: 14.6 - 28.3}*

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

**REP. LAKE** asked **REP. ANDERSEN** if there was a reason why only nonsectarian schools could be utilized if there was a sectarian school closer which could handle the problem child. **REP.**

**ANDERSEN** stated that the reason why the students are being sent to particular facilities is that there are no other places to provide this kind of service for the students. **REP. ANDERSEN** stated the constitution prohibits payments to a religious school.

**REP. LAKE** asked **REP. ANDERSEN** if the nearest, closest and best facility was a sectarian facility, was there a way to get around the constitutional prohibition. **REP. ANDERSEN** stated that there was no way without changing the constitution.

**REP. FRITZ** asked **REP. ANDERSEN** if there was a connection between the tuition students and the students with the IEP. **REP.**

**ANDERSEN** stated that the student has to have an IEP in order to qualify for this service. It is not something that would be done with a student without an IEP, because it is the IEP which determines that the student needs specialized services.

**REP. FRITZ** asked **REP. ANDERSEN** if tuition funds were funds accumulated by students out-of-district coming into district, and then the other district or the parents paying those funds in.

**REP. ANDERSEN** stated that the tuition **REP. FRITZ** was thinking about was tuition that a student might pay to a school district which they chose to attend that was not their home district. She further explained that the tuition fund in question is the tuition fund that is available for a school district to use. This is a permissive levy that would provide money into the district tuition fund which could then be used to pay the tuition for a student that the district determines needs to attend someplace else.

**REP. WAGMAN** asked **REP. ANDERSEN** about the fiscal note and if HB 135 would give local school districts an additional ability to levy more than they are able at present. **REP. ANDERSEN** replied that the school districts have the ability to levy money for this fund. It is a permissive levy, it is not a voted levy,

therefore, the school districts have that ability. **REP. ANDERSEN** stated that she realized this was going to mean an additional levy on the taxpayers who live in the these school districts. She went on to state that this money should come from the tuition fund and not from the general fund. If the money comes from the general fund, it takes money away that should be used for the rest of the students.

**REP. WAGMAN** asked **REP. ANDERSEN** if this would increase the number of mills that could be levied for the tuition fund. **REP.**

**ANDERSEN** answered that she did not know if the school districts were limited on the amount of the levy as it is a permissive levy. **REP. ANDERSEN** referred this question to **Ms. Fabiano of OPI** for an answer. **Ms. Fabiano** stated that districts are not capped on the tuition fund, but the general fund levies are capped.

**REP. GIBSON** asked **REP. ANDERSEN** if the tuition fund is kept separate as it is deposited into the general fund. **REP. ANDERSEN** replied that the tuition that a district receives goes into the general fund. The tuition that is paid out comes from the tuition fund, which is the permissive levy.

**REP. GIBSON** further asked **REP. ANDERSEN** if it was likely that a district would not even try to levy money for a tuition fund if they did not need it. **REP. ANDERSEN** answered that was correct because if a tuition fund is not needed, it is not levied for.

**REP. GALVIN-HALCRO** asked **REP. ANDERSEN** if the facilities have to be accredited. **REP. ANDERSEN** answered that Yellowstone Treatment is not accredited. She further qualified her answer and stated that the high school is not accredited but understands that the K-8 is.

**REP. GALVIN-HALCRO** further asked **REP. ANDERSON** if there was anything in law that would require other facilities that might be available to be accredited. **REP. ANDERSEN** stated to her knowledge there was not a requirement for accreditation.

**REP. LAKE** asked **REP. ANDERSEN** if this was a continuing fund that could be added to or if the fund was dumped at the end of year and restarted the next year. **REP. ANDERSEN** replied that she was not sure, that a school levies a permissive levy for the tuition fund unless the fund needs to be used. **REP. ANDERSEN** the referred the question to **Ms. Fabiano** for further comment. **Ms. Fabiano** stated that districts could maintain a reserve in their tuition funds so that if a student moves into the district the next year after they have set their levies they would have funds available. She further stated that if the school districts did

not want to keep the reserve in the tuition fund, the funds could be reappropriated the next year which would lower levies for that year.

**REP. WAGMAN** stated that he was trying to follow the dollars and was concerned. He then asked **Ms. Fabiano** if any small district with this type of student would pick up local taxes for \$805 a year. **Ms. Fabiano** stated that she believed the fiscal note stated the average cost for the student would be \$8,500.

**REP. WAGMAN** continued by referring to number seven on the fiscal note wherein it referred to \$805 times 20 students. He further stated he was confused and asked **Ms. Fabiano** if it was going to be \$805

on the local taxes of the small districts that had one of these students or if it would be \$8,500. **Ms. Fabiano** replied that the \$8,500 is the estimated cost for each of these students. She further stated that the \$805 being looked at is the budget office estimates the state would save in guaranteed tax base aid that is currently paid to a district's general fund. **Ms. Fabiano** went on to explain that if a district were levying general fund dollars in order to pay for the students, the state would have to pay a guaranteed tax base subsidy on those mills. Therefore, if the costs are moved out of the general fund and the general fund mills do not get levied any longer, the state will save a small amount of guaranteed tax base. She went on to explain that the fiscal note has a positive fiscal impact in the second year. **Ms. Fabiano** stated that when the costs are moved out of the general fund and moved into the tuition fund, the mills in the tuition fund are not subsidized by guaranteed tax base aid. She further stated the districts would still receive their state dollars for the students so an ANB entitlement would still be paid to the schools at the end of the year. She stated that this money would go into the tuition fund to offset the amount of local levy needed to pay for the students' education.

**REP. WAGMAN** then asked **Ms. Fabiano** if a small district would have to increase their permissive levy by the \$805. **Ms. Fabiano** stated that the \$805 has nothing to do with the district levy. She stated that is the amount of the state share that is currently being paid by the general fund for the cost of the student.

**REP. LEHMAN** asked **Mr. Runkel**, "Since there was an IEP involved, would that student be designated as a special education student? If so, was there any special education funding available?" **Mr. Runkel** replied that the children would be identified as children with disabilities and would be eligible for special education in order to have an IEP. He further stated that schools receive

their state special education funding based on enrollment not based on the particular numbers of children in special education. Therefore, the amount of revenue that a school receives for special education is not dependant on whether a particular child is identified as a child with disabilities or not.

**REP. LEHMAN** asked **Mr. Runkel** whether or not special ed funding increased with the increase in numbers of special ed students in a particular school system. **Mr. Runkel** replied that this was correct. He further stated that 70 percent of all of the state's special education money that goes to public schools goes in the form of a block grant based on enrollment. He went on to state that there is a small fraction of the money that goes to schools based on extraordinary costs, called disproportionate costs. **Mr. Runkel** stated that this is not dependent on the number of students being identified; it serves as an insurance policy for high-cost circumstances. He further stated that the funding structure is not dependent on the number of children; the money does not flow to public schools based on the number of special education students.

**REP. LEHMAN** asked **Mr. Runkel** if he would give the committee two or three examples of what Day Treatment Programs are for. **Mr. Runkel** answered that the treatment programs are for serving children with significant emotional disturbances. He further stated that these programs are not designed around alcohol or drug treatment, they are designed around children that have severe emotional problems. **Mr. Runkel** stated that examples of severe emotional problems might be: 1) a child with significant depression, and 2) a child that demonstrates very aggressive and acting out behavior. He further stated that Day Treatment facilities are designed with staffing patterns and therapeutic programs to help children with these problems in a controlled environment.

*{Tape: 2; Side: A; Approx. Time Counter: 0 - 20.6}*

**Closing by Sponsor:**

**REP. ANDERSEN** stated this is an important issue for small schools with the funding problems they have. She further stated that many of these schools have declining enrollments, or their enrollments are up one year and down the next with the budgets following a year later. **REP. ANDERSEN** further stated that when the small schools experience the fluctuations it makes it difficult for them to use general fund money to provide for the tuition of students which have been determined to be better served in a Day Treatment facility. She further stated that **Darrell Rud** who was unable to attend the hearing sent a message

stating he was in support of this bill. **REP. ANDERSEN** encouraged a DO PASS when executive action is taken on the bill.

*{Tape: 2; Side: A; Approx. Time Counter: 20.6 - 22.7}*

**HEARING ON HJ 6**

**Sponsor:** **REP. DEE BROWN, HD 83, HUNGRY HORSE**

**Opening Statement by Sponsor:**

**REP. BROWN** stated that this resolution is in response to the lack of appropriate funding by the federal government for its special education mandate. She stated that a similar resolution was presented in the 1999 Legislature. She further stated that state and local school district budgets are stretched to the max. **REP. BROWN** stated that federal counterparts fund the original commitment made by Congress. She stated that HJ 6 would do that and urged the committee to vote yes. **REP. BROWN** stated that the current 17 percent funding is less than one-half of the original commitment.

**Proponents' Testimony:**

**Bob Runkel, Director of Special Education, Office of Public Instruction,** presented the committee with a handout attached as Exhibit 5, which demonstrates the significance of this resolution to the public schools. **Mr. Runkel** stated that the cost of special education has become a burden on the local schools over the years. He further stated that these costs are now borne by the local districts. **Mr. Runkel** then stated that due to flat state funding over the past decade and the federal share has never been close to the 40 percent of the special education costs. The costs have had to be picked up by the local districts. He further stated that the problem is the competition for dollars. **Mr. Runkel** explained the charts in the material which he handed out which showed the various levels of funding from federal, state and local funding.

**EXHIBIT** (edh10a05)

*{Tape: 2; Side: A; Approx. Time Counter: 22.7 - 26.8}*

**Mr. Runkel** stated that federal funding had increased over the last few years but that it was still lagging significantly behind the 40 percent promise. He further stated that as costs rise, the local districts are having to pick up a great portion of

those costs. **Mr. Runkel** then referred to the second chart in the handout and talked about the significant differences in funding over the past decade. **Mr. Runkel** further stated that costs of special education in Montana are less than the national average. He went on to state that this was an important message to send to Congress.

**Bob Vogel, Montana School Boards Association**, stated that this was an important issue. He further stated that Montana had been waiting 27 years with the broken promise that Montana would receive 40 percent funding from the federal government. **Mr. Vogel** stated that the lack of this funding put pressure on school districts' general fund budgets. He stated that the time is excellent as the federal government is about ready to re-authorize IDEA.

**Erik Burke, MEA/MFT**, stated that he could not overemphasize the amount of support he gives to HJ 6. He further stated that there was not any issue that had impacted the general funds in Montana's schools in the last ten or fifteen years more than special education. He further stated that it was time for the federal government to live up to its obligation.

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

**REP. LAKE** asked **Mr. Runkel** if the chart on the front page of his handout was for total expenditures or for special education funding. **Mr. Runkel** answered that the chart on the front page of the handout was in reference to funds spent on special education.

**REP. LAKE** asked **Mr. Runkel** if the two charts referred to special education. **Mr. Runkel** answered that **REP. LAKE** was correct.

**Closing by Sponsor:**

**REP. BROWN** stated that as a retired teacher she had seen the need to fund the neediest children. She stated that as a Legislator she had seen the need to increase the funding as was promised by the federal government. **REP. BROWN** stated the schools need help and the federal government should do what had been promised.

**{Tape: 2; Side: B; Approx. Time Counter: 0 - 8.6}**

**EXECUTIVE ACTION ON HB 28**

**Motion:** REP. BIXBY moved that HB 28 DO PASS.

**Discussion:**

REP. JACKSON asked REP. BIXBY if this was a fairness issue. REP. BIXBY replied that it was a fairness issue that the students being talked about are Montana citizens and do not receive any state money other than the small amount provided in the last legislative session. REP. BIXBY further stated that research was being done into other possible funding from the federal government to help with this issue.

REP. JACKSON asked REP. BIXBY about the funds which had been appropriated in the last few years. REP. BIXBY stated that there had been a small amount of money appropriated last session, approximately \$100,000. She stated that this was not enough money when the number of nonbeneficiary students attending the tribal community colleges was increasing.

REP. LAKE asked anyone on the committee if the community colleges received any general fund money. CHAIRMAN ANDERSEN answered that the community colleges receive about \$2,000 per student and that this was one of the items mentioned when the fairness issue arose. Eddye McClure, Legislative Services, stated the reason the \$1,500 per student was raised to \$2,000 was because that was the approximate amount received for community college students.

**Motion/Vote:** REP. ANDERSEN moved that HB 28 DO PASS. Motion carried 14-0 by roll call vote.

*{Tape: 2; Side: B; Approx. Time Counter: 8.6 - 16.7}*

**ADJOURNMENT**

Adjournment: 4:40 P.M.

---

REP. JOAN ANDERSEN, Chairman

---

MARI PREWETT, Secretary

JA/MP

**EXHIBIT** (edh10aad)